UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CRIMINAL NO.
04-10085-RGS

UNITED STATES OF AMERICA

v.

MINH NGOC PHAN

FINAL STATUS REPORT

October 26, 2004

DEIN, M.J.

A Final Status Conference was held before this court on Tuesday, October 26,

2004, pursuant to the provisions of Local Rule 116.5(C). Based on that conference,

this court enters the following report and orders, to wit:

1. The defendant intends to enter a plea. However, the plea agreement is not yet signed.

2. Discovery is completed.

3. There are no outstanding discovery issues. The defendant does not anticipate filing any dispositive motions.

4. Based upon the prior orders of the court dated April 6, 2004, May 18, 2004, June 21, 2004, August 3, 2004 and September 28, 2004, at the time of the Final Status Conference on October 26, 2004, there were zero (0) days of non-excludable time under the Speedy Trial Act and seventy (70) days remaining under the Speedy Trial Act in which this case must be tried. In addition, on this date the court has entered an order excluding the time from the Final Status Conference through the first pre-

trial conference before the District Judge in order to allow the parties time to finalize the plea arrangement. [1]

5. No trial is anticipated. However, the parties estimate that if the case goes to trial, the trial will last approximately 1 week.

6. The file is hereby ordered returned to the District Judge to whom this case is assigned for further proceedings.

/ s / Judith Gail Dein
JUDITH GAIL DEIN
UNITED STATES MAGISTRATE JUDGE

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[1] Additionally, however, the parties having reported that the defendant has indicated an intention to enter a plea of guilty, this court hereby orders the entry of excludable time, pursuant to the provisions of 18 U.S.C. § 3161(h)(1), commencing on this date, and concluding at the time the defendant offers a plea or unequivocally communicates to the court that the defendant does not intend to offer a plea of guilty. See United States v. Mentz, 840 F.2d 315, 330-31 (6th Cir. 1988).